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Company, L.P. and All Hallows Preservation,
L.P.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CURTIS KELLEY,

Plaintiff,

v.

RELATED MANAGEMENT COMPANY,
L.P., and ALL HALLOWS
PRESERVATION, L.P.

Defendants.

CASE NO. 3:22-cv-04458-SK

**STIPULATION AND ORDER STRIKING
AFFIRMATIVE DEFENSES WITH
LEAVE TO AMEND**

Before: Hon. Sallie Kim
Date: November 7, 2022
Time: 9:30 a.m.

On September 27, 2022, Plaintiff Curtis Kelley (“Plaintiff”) filed a motion pursuant to Federal Rule of Civil Procedure 12(f) to strike the nineteen affirmative defenses set forth in the answer of Defendants Related Management Company, L.P. and All Hallows Preservation, L.P. (“Defendants”). *See* Dkt. Nos. 12 and 15.

In order to resolve Plaintiff’s pending motion without the further expenditure of time and resources by the Court or counsel, Plaintiff and Defendants respectfully submit this stipulated request for the Court’s issuance of the following proposed order.

Respectfully submitted and stipulated to,

Dated: October 14, 2022

/s/ Todd Espinosa

Todd Espinosa
LAW OFFICE OF TODD ESPINOSA

Celia McGuinness
Deborah Gettleman
DERBY, MCGUINNESS & GOLDSMITH, LLP

Attorneys for Plaintiff Curtis Kelley

Dated: October 14, 2022

/s/ Eric J. Stephenson

Eric J. Stephenson
PAHL & McCAY
A Professional Law Corporation

*Attorneys for Defendants Related Management
Company, L.P. and All Hallows Preservation, L.P.*

Civ. L.R. 5-1 Attestation — I attest that the signatories to this document have concurred in its filing. /s/ Todd Espinosa

ORDER

The nineteen affirmative defenses set forth Defendants' answer (Dkt. No. 12) are stricken pursuant to Federal Rule of Civil Procedure 12(f).

Defendants are granted leave to amend as to their second, third, fourth, fifth, twelfth, thirteenth, eighteenth and nineteenth affirmative defenses in accordance with the Federal Rules of Civil Procedure, to the extent that they can allege facts sufficient to support each affirmative defense. No other leave to amend is granted.

Defendants shall file their amended answer within fourteen calendar days after the date of this order.

Plaintiff's pending motion to strike (Dkt. No. 15) is withdrawn and the November 7, 2022, hearing on that motion is taken off calendar.

IT IS SO ORDERED.

Dated: October 14, 2022



HON. SALLIE KIM
UNITED STATES MAGISTRATE JUDGE